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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FEB - 4 2000

H.-J. SU HUANG *et al.*

TECH CENTER 1600/2900

Application No.: 09/071,541

)
)
) Group Art Unit: 1623

Filed: May 4, 1998

) Examiner: Kathleen Kahler Fonda, Ph.D.
)

For: Methods to Modulate the Resistance of
Cells to Apoptosis Mediated by Mutant
Epidermal Growth Factor Receptors

HAND-CARRY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

SUBSTITUTE INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. For the Examiner's convenience, this Information Disclosure Statement (IDS) is being filed to include copies of the references lined through by the Examiner (see Paper No. 6) that were not considered due to the misplacement of the references from the file at the Patent Office. A copy of each listed document is attached as well as is a copy of the stamped receipt postcard filed originally on April 14, 1999.

Applicants respectfully request that the Examiner consider the listed documents and evidence consideration thereof by making the appropriate notation on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United

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States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Dated: February 1, 2000

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PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

U.S. Patent Application of *H.-J. SU HUANG et al.*

Application No.: 09/071,541

Group Art Unit: 1614

Filed: May 4, 1998

Examiner: Not Yet Assigned

For: METHODS TO MODULATE THE RESISTANCE OF CELLS
TO APOPTOSIS MEDIATED BY MUTANT EPIDERMAL
GROWTH FACTOR RECEPTORS

1. Information Disclosure Statement Under 37 CFR 1.97(b)
2. PTO Form 1449
3. Copies of 40 cited documents

Dated: April 14, 1999

Attorney Docket No.: 040750-5001-US

RGA/chm

